

BEFORE THE
COMMITTEE OF PSYCHOLOGISTS
STATE OF MISSOURI

COMMITTEE OF PSYCHOLOGISTS,)	
)	
)	
Petitioner,)	
)	Case No. 99-001630 PS
v.)	
)	
RAYMOND GAILEY,)	
)	
)	
Respondent.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER**

STATEMENT OF THE CASE

On February 10, 2000, the Administrative Hearing Commission issued its Memorandum and Order in the case of State Committee of Psychologists v. Raymond K. Gailey, Case No. 99-1630 PS. In that Memorandum and Order, the Administrative Hearing Commission found cause to discipline Respondent's license to practice as a psychologists pursuant to 337.035.2(2).

The State Committee of Psychologists has received and reviewed the record of the proceedings before the Administrative Hearing Commission and the Memorandum and Order. The Memorandum and Order of the Administrative Hearing Commission is incorporated herein by reference.

The Board set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion.

Pursuant to a Notice of Hearing and 621.110 and 337.035.3, RSMo 1994, the Committee held a hearing on June 2, 2000, at the Holiday Inn-University Plaza, 333 John Q. Hammons Parkway, Springfield, Missouri, to determine the appropriate disciplinary action against Respondent's license. The State Committee of Psychologists was represented by Assistant Attorney General James Ertle. Respondent was present and not represented by legal counsel. Seven members of the Board were present and participated in the Committee's deliberation, vote, and order.

FINDINGS OF FACT

1. The State Committee of Psychologists ("Committee") is an agency of the State of Missouri, created and established pursuant to 337.050, RSMo 1994, for the purpose of executing and enforcing the provisions of Chapter 337.

2. Raymond K. Gailey ("Respondent"), was licensed by the Committee as a psychologist, License No. PY00678. Respondent's Missouri license was current and active at all times relevant herein but it is now expired.

3. On February 14, 2000, the Administrative Hearing Commission issued a Memorandum and Order finding cause to discipline Respondent's license pursuant to 337.035.2(2), which states:

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination

of the following causes:

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nol contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

* * *

CONCLUSIONS OF LAW

4. The Committee has jurisdiction over this proceeding pursuant to 621.110, RSMo 1994, and 337.035.3, RSMo 1994.

5. The findings of fact show cause for this Committee to impose such disciplinary action as this Committee finds appropriate.

ORDER

THEREFORE, having fully considered all the evidence before this Committee, and giving full weight to the Memorandum and Order of the Administrative Hearing Commission, it is the ORDER of the Committee that Respondent's license as a psychologists be placed on PROBATION for a period of four years (4) commencing on the day Respondent activates his expired license. The terms of the probation shall be:

A. Licensee must complete a professional education course on the

topic of ethics approved by the State Committee of Psychologists. Such course must be taken in a department of psychology from a program accredited by the American Psychological Association ("APA") for graduate credit of no less than three (3) semester hours. The Licensee must obtain a grade of B or higher in the course. Readings courses, correspondence courses or independent study courses are unacceptable.

- B. During the probationary period, Licensee must inform Licensee's employers, and all hospitals, institutions, and managed health care organizations with which licensee is affiliated, that Licensee's work as a professional psychologist is under probation by the State Committee of Psychologists. (Licensee must obtain written verification that each patient/client that Licensee treats, evaluates, or consults has been so informed.)
- C. At Respondent's expense, Respondent must undergo a financial audit two times per year to assess Respondent's billing practices conducted by a certified public accountant (CPA). Within twenty (20) business days of the effective date of this agreement, Respondent shall submit a list of no less than five (5) proposed CPAs to conduct the audit. The Committee may approve a CPA from this list, or may require a second list of five (5) CPAs which

Respondent shall submit within twenty (20) business days of the Committee's request. Respondent must begin the audit within thirty (30) days of the Committee's approval. Respondent must immediately notify the Committee, in writing, of the start date of the audit. The audits must be performed two times per year from the start of the audit during the disciplinary period.

- D. The written audit must be submitted by the monitoring CPA to the State Committee of Psychologists within sixty (60) days of the audit being initiated. It shall be Respondent's responsibility to ensure that the written audit is submitted by the monitoring CPA to the State Committee of Psychologists.
- E. Respondent shall abide by the recommendations of the monitoring CPA set forth in the written report of the audit.
- F. In the event the CPA becomes unable or decides not to continue serving in his/her capacity as a CPA for Respondent during the disciplinary period, the, Respondent shall:
 - 1. within three (3) business days of being notified of the CPA's inability or decision not to continue serving as the auditor, or otherwise learning of the need to secure a CPA, advise the State Committee in writing that he is needing to secure a CPA and the reasons for such change; and
 - 2. within twenty (20) business days of

being notified of the CPA's inability or decision not to continue serving as the CPA or otherwise learning of the need to secure a CPA, secure a CPA pursuant to and in accordance with the terms and conditions set forth in this agreement.

- G. Respondent must give the State Committee of Psychologists, or its representative, permission to review Respondent's billing records.
- H. Respondent's CPA must report two times per year to the State Committee of Psychologists on Respondent's billing practices. It is Respondent's responsibility to ensure that these reports are provided in a timely manner.
- I. Respondent must give the State Committee of Psychologists or its representatives permission to review Respondent's personal treatment, medical, and billing records.
- J. Respondent may not serve as a supervisor for any psychological trainee, psychological intern, psychological resident, psychological assistant, or any person undergoing supervision during the course of obtaining licensure as a psychologist, professional counselor, or social worker.
- K. Respondent must keep the State Committee of Psychologists apprised at all times, in writing, of Respondent's current home and work addresses and telephone numbers.

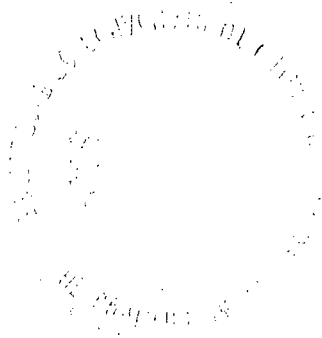
- L. Respondent is required to pay to the State Committee of Psychologists, in a timely fashion, all requisite fees required by law to renew and keep current Respondent's psychology license in Missouri.
 - M. Respondent is required to comply with all provisions of Chapter 337, RSMo, the rules and regulations duly promulgated by the State Committee of Psychologists, state and federal criminal laws, and all conditions and recommendations of this Findings of Facts, Conclusions of Law and Disciplinary Order ("Disciplinary Order").
 - N. Respondent shall submit reports of Respondent's compliance with the conditions and recommendations of this Disciplinary Order every six months. The reports must be received by the Committee no later than June 1 and December 1 of each year.
 - O. At Respondent's expense, Respondent must agree to meet with the State Committee of Psychologists at reasonable intervals designated by the Committee.
6. Upon the expiration of the disciplinary period, Respondent's license as a psychologist in Missouri shall be fully restored, provided all provisions of this Disciplinary Order and all other requirements of law have been satisfied.
7. If the State Committee of Psychologists determines that Respondent has violated a term or condition of his discipline, or has otherwise failed to comply with

the provision of Chapter 337 RSMo, which violation would be actionable in a proceeding before the State Committee of Psychologists or the Administrative Hearing Commission or a Circuit Court, the State Committee of Psychologists may elect to pursue any lawful remedies or procedures afforded to it, and is not bound by this Disciplinary Order in its selection of remedies concerning such violation.

8. Respondent hereby waives and releases the Committee, its members and any of its employees, agents, or attorneys, including any former Committee members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to §536.087, RSMo, or any claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any of the matters raised in this litigation, or from the negotiation or execution of this joint stipulation. The parties acknowledge that this paragraph is severable from the remaining portions of this joint stipulation in that it survives in perpetuity even in the event that any court of law deems this joint stipulation or any portion thereof void or unenforceable.

9. The State Committee of Psychologists will maintain this Disciplinary Order as an open record of the Committee.

SO ORDERED EFFECTIVE THIS 2nd day of November, 2000.



MISSOURI STATE COMMITTEE
OF PSYCHOLOGISTS

Pamela Groose

Pamela Groose
Executive Director

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FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER

Findings of Fact and Conclusions of Law

1. On November 2, 2000, the State Committee of Psychologists ("State Committee") issued "Findings of Fact, Conclusions of Law and Disciplinary Order" ("November 2 Order") in *State Committee of Psychologists v. Raymond Gailey*, Case No. 99-001630 PS.

2. On June 23, 2005, the State Committee filed a Complaint asserting that Respondent, Raymond Gailey ("Dr. Gailey"), violated terms and conditions of the November 2 Order.

3. Pursuant to notice and § 620.153, RSMo 2000, the State Committee held a disciplinary hearing on September 9, 2005, at 1:15 p.m. at the Embassy Suites, St. Charles, Two Convention Center Plaza, St. Charles, Missouri. The notice of hearing advised the

parties that the State Committee would hold the hearing "for the purpose of determining the truth of the allegations set forth in the [State Committee's] Complaint and, if the allegations are true, whether or not further disciplinary action shall be taken."

4. On June 27, 2005, Dr. Gailey was hand-served with notice of the September 9, 2005 hearing.

5. Dr. Gailey was not present at the hearing and was not represented at the hearing by counsel.

6. The State Committee was represented at the hearing by Assistant Attorney General Rikki Wright.

7. The following members of the State Committee were present for the disciplinary hearing and participated in the State Committee's deliberation and decision:

Glenn E. Good, PhD, Chair;
E. Thomas Copeland, PhD;
Christopher Maglio, PhD;
Rochelle Harris, PhD;
George "Brick" Johnstone, PhD;
Vetta Sanders Thompson, PhD; and
Willa McCullough, M.Ed.

8. The State Committee considered the testimony presented at the hearing and gave due weight to the evidence submitted.

9. Dr. Gailey holds a license to practice psychology in the State of Missouri.

10. The November 2 Order placed Dr. Gailey on probation for a period of four years, commencing on the day Dr. Gailey reactivated his expired license.

11. Dr. Gailey reactivated his license on June 27, 2001.

12. The November 2 Order set forth terms of Dr. Gailey's probation, including a requirement that:

[Respondent] must complete a professional education course on the topic of ethics approved by the State Committee of Psychologists. Such course must be taken in a department of psychology from a program accredited by the American Psychological Association ("APA") for graduate credit of no less than three (3) semester hours. [Respondent] must obtain a grade of B or higher in the course. Readings courses, correspondence courses or independent study courses are unacceptable.

13. Dr. Gailey failed to comply with those terms of his probation, which required him to complete a professional education course on the topic of ethics.

14. Dr. Gailey thereby violated the terms of his probation.

15. Section 620.153, RSMo 2000, authorizes the State Committee to impose additional discipline when it determines that a licensee violated disciplinary terms imposed by the State Committee:

Any board, commission or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission or committee may impose as additional discipline, any discipline it would be authorized to impose in an initial disciplinary hearing.

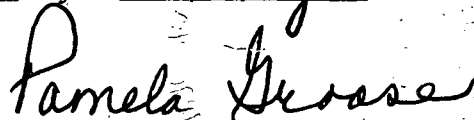
16. Section 620.153, RSMo 2000, and the terms of the November 2 Order authorize this State Committee to impose additional discipline based on the finding that Dr. Gailey violated the terms of his probation.

Disciplinary Order

Therefore, having fully considered all the evidence before the State Committee, and giving full weight to the Administrative Hearing Commission's Decision, it is the ORDER of the State Committee that Dr. Gailey's Missouri license to practice as a psychologist is hereby REVOKED. Dr. Gailey shall immediately return to the State Committee all indicia of licensure to practice as a psychologist in Missouri.

The State Committee will maintain this Order as an open and public record of the State Committee as provided in Chapters 337, 610, and 620, RSMo.

SO ORDERED and effective this 7th day of February 2006.



Pamela Groose
Executive Director
Missouri State Committee of Psychologists